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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 NEXTDOOR.COM, INC., a Delaware
14 corporation,

15 Plaintiff,

16 v.

17 RAJ ABHYANKER, an individual,

18 Defendant.

19 RAJ ABHYANKER, an individual,

20 Counterclaimant,

21 v.

22 NEXTDOOR.COM, INC., a Delaware
corporation; PRAKASH JANAKIRAMAN, an
23 individual; BENCHMARK CAPITAL
PARTNERS, L.P., a Delaware limited
24 partnership; BENCHMARK CAPITAL
MANAGEMENT CO. LLC, a Delaware limited
25 liability company; SANDEEP SOOD, an
individual; MONSOON ENTERPRISES, INC., a
26 California corporation, and DOES 1-50,
inclusive,

27 Counterdefendants.
28

CASE NO. 3:12-cv-05667-EMC

**AMENDED STIPULATION AND
[PROPOSED] ORDER FOR PARTIAL
DISMISSAL AND DECLARATORY
JUDGMENT**

Case Filed: November 5, 2012

Judge: Edward M. Chen

1 Plaintiff/Counterdefendant Nextdoor.com, Inc. and Defendant/Counterclaimant Raj
2 Abhyanker, through their counsel of record, hereby stipulate and agree, and request the Court to
3 enter, the following Order resolving claims relating to the priority of use and ownership of the
4 mark NEXTDOOR, including its use in the website www.nextdoor.com:

5 1. Abhyanker has asserted as part of his Third and Fourth Counterclaims in his
6 Second Amended Counterclaims (the "SACC") (Dkt. 132), in his Supplemental Statement
7 Regarding His Prior Use And Common Law Rights In The Nextdoor Trademark (Dkt. 141), and
8 his Errata thereto (Dkt. 153), that he owns and has priority of use as a matter of common law in
9 the mark NEXTDOOR for uses including in online social networking. Abhyanker hereby
10 dismisses with prejudice the foregoing claims with respect to the NEXTDOOR mark.

11 2. Abhyanker's remaining claims in the SACC are unaffected by and survive this
12 stipulation and order. Among other things, nothing in this stipulation and order affects or limits
13 Abhyanker's claims and/or defenses based on Abhyanker's alleged ownership or alleged priority
14 of use of the mark FATDOOR and/or the alleged likelihood of confusion between Abhyanker's
15 use of the FATDOOR mark and Nextdoor.com's use of the NEXTDOOR mark.

16 3. Nextdoor.com has sought, in Count 1 of its Complaint (Dkt. 1) a declaratory
17 judgment that it has established trademark rights, including priority of use, of the NEXTDOOR
18 mark in the field of online social networking. Judgment shall be entered on this Count 1 as set
19 forth in the attached Order and Declaratory Judgment. Nextdoor.com's remaining claims in the
20 Complaint, Counts II, III, and IV, are unaffected by and survive this stipulation and order, with
21 the exception that Nextdoor.com hereby waives recovery of damages or disgorgement of profits
22 under Count IV of its Complaint, for violation of 15 U.S.C § 1125(a), while retaining all other
23 remedies, including attorney's fees, relating to such claim.

24 3. Each party preserves the right to move for or oppose an award of attorneys' fees
25 and costs with respect to the matters dismissed and adjudicated by this Order at an appropriate
26 time in this action and to present any and all admissible evidence with respect to such a motion.

27 4. Nothing in this Stipulation shall be construed as an admission of liability or
28 wrongdoing of any kind by any of the parties hereto.

STIPULATED AND AGREED TO this 8th day of May, 2014.

Dated: May 13, 2014

FENWICK & WEST LLP

By: /s/ Laurence F. Pulgram
Laurence F. Pulgram

Attorneys for Plaintiff and Counterdefendant
NEXTDOOR.COM, INC. and Counterdefendant
PRAKASH JANAKIRAMAN

Dated: May 13, 2014

LEGALFORCE RAJ ABHYANKER, P.C.

By: /s/ Bruno W. Tarabichi
Bruno W. Tarabichi

Attorneys for Defendant and Counterclaimant
Raj Abhyanker

ATTORNEY ATTESTATION

By the electronic signature below, counsel for Plaintiff and Counterdefendant, Nextdoor.com, Inc. and Counterdefendant, Prakash Janakiraman, attests that he is the CM/ECF user whose identification and password are being used to file the instant document, and that pursuant to Civil Local Rule 5-1(i)(3), counsel for Respondents, whose electronic signature appears below, provided their authority to file this document.

/s/ Laurence F. Pulgram
Laurence F. Pulgram

ORDER AND DECLARATORY JUDGMENT

In accordance with the stipulation of the parties, and for good cause shown, the Court hereby orders, adjudges and decrees that:

1. All of Counterclaimant Raj Abhyanker's claims to priority of use and ownership of the NEXTDOOR mark are hereby dismissed with prejudice.
2. Plaintiff Nextdoor.com, Inc. owns trademark rights in and has priority of use of the NEXTDOOR mark in the field of online social networking.
3. Nothing herein precludes any party from introducing evidence in support of or opposition to any claim or defense not adjudicated in this Order.
4. Abhyanker, and each of his agents, servants, and employees, and those persons in active concert or participation with any of them who receive actual notice of this order, shall not use the NEXTDOOR mark, or any colorable imitation thereof or confusingly similar term, in the field of online social networking for so long as Nextdoor.com or its successors has not abandoned the NEXTDOOR mark or ceased use of the mark.
5. This order and the Partial Judgment to be entered hereon does not adjudicate the issue of whether Nextdoor.com's use of the NEXTDOOR mark creates a likelihood of confusion as to source with Abhyanker's use of the FATDOOR mark. Nothing in this stipulation and order shall affect or limit Abhyanker's alleged right to use the mark FATDOOR in the field of online social networking, as to which all parties reserve all rights.
6. The clerk shall enter the attached Partial Judgment pursuant to Rule 54(b), as there is no just reason for delay. The time for any motion for attorney's fees or costs to be filed thereon is extended, pursuant to Rule 54(d)(2)(B), through the entry of a final judgment disposing of this entire action.

Dated: _____

Honorable Edward M. Chen
United States District Court Judge

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